

JPMORGAN CHASE BANK, N.A., F/K/A
JPMORGAN CHASE BANK

CASE NO: 728-196 DIVISION: L

24TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF JEFFERSON

CLARENCE TONEY, JR. A/K/A CLARENCE TONEY, JR.
AND TREND A K. SMITH, A/K/A TREND A KOYCE SMITH,
A/K/A TREND A KOYCE SMITH TONEY

STATE OF LOUISIANA

PETITION FOR INTERVENTION AND
NOTICE OF PROOF OF CLAIM

NOW INTO COURT, through undersigned counsel, comes Intervenor, the State of Louisiana, Office of Community Development, Disaster Recovery Unit, Hazard Mitigation Grant Program (hereinafter, "HMGP"), through this Petition for Intervention and Notice of Proof of Claim, which respectfully represents:

1.

The Defendants in this case, CLARENCE TONEY, JR. and TREND A KOYCE SMITH TONEY (Defendants), are major domiciliaries of Jefferson Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage which may occur in future natural disasters by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants voluntarily agreed to participate in the HMGP. *See Exhibit A.* Federal grant funds in the amount of \$41,980.00 were paid to Defendants on or about March 26, 2010 for the elevation of their home. *Exhibit B.*

4.

Trend A Koyce Smith Toney acknowledged that there had been an overpayment of HMGP funds. Certified letters were mailed to Defendant Trend A Koyce Smith Toney, informing her that the grant funds in the amount of \$41,980.00 had to be returned to the State of Louisiana. *Exhibits C and D.* Defendant has not returned the funds to the State.

4 copies for service
8-18-14 P.M. 130 p.m. 1

IMAGED AUG 08 2014 3:41 PM

DATE 8-18-14
G. MOORE
Deputy Clerk

CODED

FILE FOR RECORD
2014 AUG 8 11:29 AM
DEPUTY CLERK
PARISH OF JEFFERSON, LA
CODED

5.

Defendants' failure to return the funds has resulted in them owing HMGP \$41,980.00 in unearned federal funds, which must be recovered by HMGP, the state program charged with distributing FEMA funds for mitigation projects.

6.

HMGP must account to FEMA for all funds issued through HMGP. Failure of HMGP to recover the \$41,980.00 from Defendants will result in reimbursement to FEMA being made directly by the State of Louisiana.

7.

HMGP now petitions to intervene in the seizure and judicial sale of CLARENCE TONEY, JR. and TRENDIA KOYCE SMITH TONEY's property at 4044 Deerglen Drive in Harvey, Louisiana 70058 and notices all interested parties that the covenant running with the land recorded in Jefferson Parish at Instrument No. 11211694, MOB 3293, Page 250 evidences the obligation of CLARENCE TONEY, JR. and TRENDIA KOYCE SMITH TONEY and all future owners of the property to comply with the terms and provisions of the covenant, specifically the requirement to maintain flood insurance in perpetuity. *See Exhibit E.* Said judicial sale is scheduled for August 13, 2014 or on any day thereafter by the Jefferson Parish Sheriff.

8.

HMGP requests the debt of \$41,980.00 owed by of JOHN CLARENCE TONEY, JR. and TRENDIA KOYCE SMITH TONEY be recognized in the seizure and judicial sale of the subject property; and that, out of the remaining proceeds of the judicial sale of the subject property, HMGP be paid the amount necessary to satisfy the indebtedness owed to HMGP by CLARENCE TONEY, JR. and TRENDIA KOYCE SMITH TONEY.

9.

HMGP further requests that it be notified of any and all claims made against 4044 Deerglen Drive in Harvey, Louisiana 70058.

10.

HMGP additionally requests that the Order issued in this matter is recorded

ALL PREMISES CONSIDERED, WHEREFORE, INTERVENOR PRAYS:

a. For leave of court to file this petition of intervention;

b. It is permitted to intervene in the seizure and judicial sale of 4044 Deerglen Drive in Harvey, Louisiana 70058;

c. That the debt of \$41,980.00 owed by JOHN CLARENCE TONEY, JR. and TRENDIA KOYCE SMITH TONEY be recognized in the seizure and judicial sale of the subject property and that remaining proceeds of the sale be distributed to HMGP in satisfaction of the debt owed;

d. It be notified of any and all claims made against 4044 Deerglen Drive in Harvey, Louisiana 70058;

e. That the Court grant such other relief as is just and proper.

Respectfully submitted:



Lesia Batiste Warren, #22883

La Koshia R. Roberts, #26715

Office of General Counsel

State of Louisiana, through

its Division of Administration

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IMAGED AUG 08 2014

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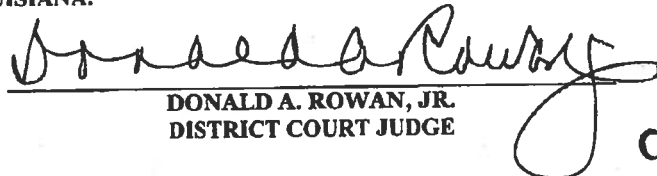
ORDER

CONSIDERING THE ALLEGATIONS AND PRAYER OF THE FOREGOING
PETITION OF INTERVENTION AND NOTICE OF PROOF OF CLAIM;

IT IS ORDERED:

1. Intervenor's petition be filed, as prayed for and according to law;
2. Intervenor is permitted to intervene in the seizure and judicial sale of 4044 Deerglen Drive in Harvey, Louisiana 70058;
3. That the debt of \$41,980.00 owed by JOHN CLARENCE TONEY, JR. and TREND A KOYCE SMITH TONEY be recognized in the seizure and judicial sale of the subject property and that remaining proceeds of the sale be distributed to HMGP in satisfaction of the debt owed;
4. That funds recovered from the judicial sale that satisfy the debt owed to the State of Louisiana's HMGP be transmitted by the Jefferson Parish Sheriff's Office to HMGP; and
5. That HMGP be notified of any and all claims made against 4044 Deerglen Drive in Harvey, Louisiana 70058.

THUS DONE ON THIS 12 DAY OF AUGUST 2014 IN GRETN A, JEFFERSON
PARISH, LOUISIANA.


DONALD A. ROWAN, JR.
DISTRICT COURT JUDGE

CODED

PLEASE SERVE:

Mr. Clarence Toney, Jr. and Ms. Trend A Koyce Smith Toney
4044 Deerglen Drive
Harvey, Louisiana 70058

JPMorgan Chase Bank, N.A.
through its Counsel of Record
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Sheriff Newell Normand
Jefferson Parish Sheriff's Office
1233 Westbank Expressway
Harvey, Louisiana 70058

IMAGED
AUG 08 2014